

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

UNITED STATES OF AMERICA )  
 ) CRIMINAL NO. 2:17-cr-77  
v. )  
 )  
JOHN CHINNICI )

**DEFENDANT'S MOTION TO RECONSIDER DETENTION ORDER**

Defendant John Chinnici, by and through counsel, hereby moves this Court pursuant to 18 U.S.C. § 3142 to reconsider the Court's detention order.

In support thereof, he states as follows:

1. On December 19, 2019 this Court granted Defendant's motion for a new trial.
2. Since his arrest in January 2016, Defendant has been in the custody of the State of Vermont on related state charges and, after he was charged in this case, the United States Marshals Service.
3. On September 24, 2019, the Court denied without prejudice Defendant's prior motion to reconsider the detention order.
4. Defendant has lived in Vermont most of his life.
5. Defendant's immediate family resides in Bennington, Vermont.
6. If released, Defendant will reside with his parents in their Main Street, Bennington apartment.
7. Previously, Mr. Chinnici has provided the Court with a letter from a local counselling service indicating that the organization welcomes his participation in that program.

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8. As the Court indicated in its order granting the motion for a new trial, the government's case rests primarily on the testimony of Austin Mayhew. The evidence shows that Mr. Mayhew's credibility is, to say the least, somewhat suspect.
9. In addition, Mr. Chinnici did not fit the physical description of the armed robber provided by Anthony Falace and Scott Galusha on the night of the robbery.
10. The Hemmings Motor News surveillance videos directly contradict Mayhew's trial testimony that he and Mr. Chinnici left his apartment and walked straight down Main Street looking for someone to rob.
11. For these reasons and others outlined in Defendant's previous filings, the evidence suggesting that Defendant committed the alleged offense is weak.
12. Defendant would therefore ask the Court to reconsider its detention order and release him pending the new trial on conditions of release.

DATED at Burlington, Vermont, this 20<sup>th</sup> day of December, 2019.

JOHN CHINNICI

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